IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/507,525	Confirmation No.:
First Named Inventor	: Werner OBEREGGER	
Filed	: September 14, 2004	
TC/A.U.	: Unassigned	
Examiner	: Unassigned	
Docket No.	: 100338.54030US	
Customer No.	: 23911	
Title	: Modified-Release Tablet of Bupropion Hydrochloride	

Petition to Make Special
Under 37 C.F.R. 1.102(d) and MPEP 7.08.02 VIII
A New (Unexamined Patent Application)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Commissioner to make special the above-captioned patent application. The basis for this Petition is 37 C.F.R. 1.102(d). This Petition is being submitted in compliance with MPEP 708.02 VIII and satisfies all of the requirements as set forth therein; as described below. The subject application is a new application, *i.e.*, it has not received any examination to date therefore it potentially qualifies for special status under 37 C.F.R. 1.02(d) and MPEP 708.02 VIII.

(a) This Petition is being made in writing and is accompanied by the requisite fee of one hundred, thirty dollars ($130.00) for filing this Petition. If there is any deficiency or surplusage of the fees enclosed for the Petition, the

Patent Office is expressly authorized to obtain the deficiency or credit the surplusage to Applicants' Agent's Deposit Account No. 05-1323 (Docket #100338.54178C1) and advise Applicants' Agent, Crowell & Moring LLP.

(b) All claims are believed to be directed to a single invention. If a restriction requirement is made, Applicants will make an election without traverse.

(c) Applicants' representative avers that a pre-examination search was made to identify publications (*e.g.,* United States and foreign patents and published patent applications and nonpatent publications) relevant to the claims pending in the above-identified patent application. The particulars of the preexamination search are set forth below.

I. FIELD OF SEARCH

A search of US patent/patent applications and foreign patents to identify documents relating to modified release Tramadol formulations, *e.g.,* tablet formulations was conducted in the following areas:

A. Classification Search

Class	Subclasses	Description
424		DRUG, BIO-AFFECTING AND BODY TREATING COMPOSITIONS
	451	Capsules
	452	With claimed designated perfecting feature in

Class	Subclasses	Description
		contents
	457	Sustained or differential release
	458	Containing discrete coated particles, pellets, granules or beads
	459	Organic coatings
	462	Containing synthetic polymers
	464	Tablets, lozenges or pills
	465	With claimed perfecting feature in contents
	468	Sustained or differential release type
	474	Coated pills or tablets
514		DRUG, BIO-AFFECTING AND BODY TREATING COMPOSITIONS
	646	Benzene ring containing
564		ORGANIC COMPOUNDS PART OF THE CLASS 532-570 SERIES
	281	Quarternary ammonium containing
	282	Benzene ring containing
	283	Two rings bonded directly to the same carbon
	287	The hydroxy or ether oxygen is bonded directly to a ring

The above subclasses were manually searched to identify documents potential relevant to the claimed invention relating to sustained release bupropion HCl tablet formulations. Integrity searches were made to ensure that all documents in these subclasses were reviewed. Additionally, a key word search was performed in the entire U.S. Patent and Trademark Office (USPTO) full-text patent and published patent application data bases using the keywords:

(i) bupropion and sustained release
(ii) bupropion and delayed or extended release
(iii) bupropion and modified release
(iv) bupropion and prolonged release
(v) bupropion and (tablet or capsule)

Still further, an online database search was conducted using the same keywords in the following commercial databases.

Delphion < http://www.dephion. com/research/ >

Diolog < http://www.dialog classic.com

i) BIOSIS Previews® (1969 to Present)

ii) Inside Conferences (1993 to Present)

iii) International Pharmaceutical

iv) Abstracts (1970 to Present)

v) International Pharmaceutical Abstracts (1970 to Present)

vi) TOXFILE (1996 to Present)

Also, a search of the same keywords were made in MEDLINE and ESpacenet < http://gb.espacenet.com/ >commercial database.

(a) In accord with MPEP 708.02(d)(viii), one copy of non-US patent references most closely related to the claimed subject matter are provided along with an Information Disclosure Statement identifying each of these references. According to the new Information Disclosure Statement rules, it is no longer necessary to submit copies of US patent applications.

(b) A detailed description of the most relevant references which points out with the particularity required by 37 C.F.R. 1.111(b) and (c) how the claimed subject matter is patentable thereon is provided below:

Prior to discussing these references, it is noted that all of the claims pending in this application require as essential elements a delayed and extended release tablet formulation comprising (1) a core containing a pharmaceutically acceptable salt of bupropion and excipients (2) a control-release, coating surrounding the core and (3) a moisture barrier surrounding said control-releasing coat, wherein said tablet on oral administration provides delayed and extended release of such bupropion such that the modified-release tablet is bioequivalent and exhibits a dissolution profile after administraton such that

(1) after no more than 2 hours no more than about 20% of the bupropion is released;

(2) after about 4 hours about 10% to about 45% of the bupropion is released;

(3) after about 8 hours about 40 to about 90% of the bupropion is released; and

(4) after about 16 hours no less than about 80% of the bupropion is released.

This description of the invention is relevant as to how the invention is distinguishable from the patents and non-patent publications described below.

II. United States Patents Disclosing Pharmaceutical Compositions Wherein the Mentioned Potential Active Agents Include Bupropion HCl

1. U.S. Patent No. 4,571,395 Peck (Burroughs Wellcome)

This patent describes pharmaceutical formulations comprising a combination of a benzodiazepine tranquilizer and a propiophenone compound or a salt thereof. The patent discloses at col. 3, last paragraph solid slow or controlled release tablet forms that may comprise various binders, diluents, and dispersants, and which may be coated or scored to provide slow or controlled release. The patent specifically exemplifies bupropion hydrochloride containing pharmaceutical forms.

However, the patent does not teach or suggest sustained, controlled release bupropion HCL formulations having the claimed dissolution profile, bioequivalency, coating layers and constituents therein.

2. U.S. Patent No. 5,427,798 Ludwig (Burroughs Wellcome)

This patent relates to bupropion sustained release tablet formulations comprising bupropion HCl, hydroxypropyl methylcellulose and cysteine hydrochloride or glycine hydrochloride having a surface area/volume ratio that provides for controlled release of bupropion HCl.

The patent, however, fails to teach or suggest sustained, a controlled release bupropion tablet formulations having the claimed characteristics, *i.e.*, dissolution profile, bioequivalency, coating layers and specific constituents contained therein .

3. U.S. Patent No. 5,731,000 Ruff et al. (Glaxo Wellcome Inc.)

This patent relates to storage-stable pharmaceutical compositions containing bupropion HCl and a pharmaceutically acceptable stabilizer wherein stabilizer is selected from an organic acid, or acid salt of an amino acid or sodium metabisulphite.

The patent, however, fails to teach or suggest modified, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers and specific constituents therein.

4. U.S. Patent No. 6,033,686 Seth (Pharma Pass LLC)

This patent relates to a controlled release tablet of bupropion HCl free of stabilizer and pore-forming agents comprising (i) a bupropion HCl containing core, a binder and lubricant; and (ii) a coating consisting essentially of a water-insoluble, water-permeable film-forming polymer, a plasticizer and a water-soluble polymer.

The patent, however, fails to teach or suggest a sustained release bupropion HCl composition having the claimed dissolution profile, bioequivalency, coating layers, and specific constituents possessed by the claimed bupropion formulations.

5. U.S. Patent No. 6,120,803 Wong et al. (ALZA Corporation)

This patent relates to prolonged release dosage forms containing an active agent selected from a variety of different drugs including bupropion HCl (*See* Col. 29, lines 8-15), which is dispersed in a polymer matrix comprising a swellable, water soluble polymer and a hydroattractant.

The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coatings, and ingredients of the bupropion inventive formulations.

6. U.S. Patent No. 6,143,327 Seth (Pharma LLC)

This patent relates to delayed release coated tablets free of stabilizer and pore-forming agent comprising (i) a core consisting essentially of bupropion HCl, a binder and a lubricant, and (ii) a first coating consisting essentially of a water-insoluble polymer and (iii) a second coating comprising a methacrylic polymer and a plasticizer.

The patent, however, fails to teach or suggest sustained, controlled release bupropion HCl formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

7. U.S. Patent No. 6,153,223 Apelian (Watson Pharmaceuticals Inc.)

This patent relates to a stabilized pharmaceutical composition comprising a mixture of an active pharmaceutical agent unstable at pH > 3.5 and a stabilizer comprising an acid or pharmaceutically acceptable carrier. The patent exemplifies a large number of potentially active pharmaceutical agents which

purportedly may be utilized in such stabilized pharmaceutical formulations including bupropion HCl (*See* col. 5, lines 43-56). The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

8. U.S. Patent No. 6,197,827 Cary (Cary Medical Corporation)

This patent relates to drug combinations including mecamylamine HCl and bupropion HCl and use thereof. The patent fails to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

9. U.S. Patent No. 6,210,716 Chen et al. (Andrx Pharmaceuticals Inc.)

This patent relates to a controlled release dosage form of bupropion HCl comprising: (a) a first pellet having a core of bupropion hydrochloride and hydroxypropyl methylcellulose at a weight ratio of 10:1 to 30:1 and a coating of a mixture of an acrylic resin which is soluble in acidic media and ethyl cellulose; (b) a second pellet having a core of bupropion hydrochloride and hydroxypropyl methylcellulose at a ratio of 10:1 to 30:1; an inner coating of a mixture of an acrylic resin which is soluble in acidic media and a water insoluble polymer and an outer coating which comprises an enteric coating polymer.

The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

10. U.S. Patent No. 6,221,917 Maitra et al. (American Home Products Corp.)

This patent relates to stable formulations of bupropion HCl contained in an aqueous suspension having a pH ranging from 0.9 to 4.0 at a concentration of about 6% w/w and solubility in water at 20°C of < 10g/100g water, wherein the stabilizer is a dicarboxylic acid. The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

11. U.S. Patent No. 6,238,697 Kumar et al. (Pharmalogix Inc.)

This patent relates to extended release bupropion HCl tablets comprising binders such as polyethylene oxide or hydroxypropyl cellulose, a filler such as lactose, glidants and lubricants combined under low shear conditions to provide hard, chip-resistant tablets. The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations as claimed having the recited dissolution profile, bioequivalency, coating layers, and ingredients.

12. U.S. Patent No. 6,270,805 Chen et al. (Andrx Pharmaceuticals)

This patent relates to once-a-day controlled release formulation of a water soluble drug comprising a) 20 to 50% by weight of enteric polymeric membrane coated pellets comprising a polymer membrane coated core and b) 50% to 80% by weight of delayed pulse polymeric membrane coated pellets comprising a polymeric membrane coated core. The active agents mentioned include bupropion HCl (*See,* col. 3, lines 1-5). The patent, however, fails to teach or

suggest modified release bupropion HCl tablet formulations as claimed having the recited dissolution profile, bioequivalency, coating layers, and ingredients.

13. U.S. Patent No. 6,306,436 Chungi et al. (Teva Pharmaceuticals USA)

This patent pertains to stabilized bupropion HCl pharmaceutical compositions free of acid additives which provide for sustained release wherein the bupropion HCl is in particulate, crystalline form, and which are stable for three months at 40°C and 75% humidity. The patent fails to teach or suggest modified release bupropion HCl tablet formulations as claimed having the recited dissolution profile, bioequivalency, coating layers, and ingredients.

14. U.S. Patent No. 6,340,475 Shell et al. (DepoMed Inc.)

This patent pertains to a controlled-release oral drug dosage form for releasing a drug wherein the solubility of the drug is greater than one part by weight of said drug in ten parts by weight of water, said dosage form comprising a solid polymeric matrix with said drug dispersed therein at a weight ratio of drug to polymer of from about 15:85 to about 80:20, said polymeric matrix being one that swells upon imbibition of water thereby attaining a size large enough to promote retention in the stomach during fed mode, which releases said drug into gastric fluid by the dissolution and diffusion of said drug out of said matrix by said gastric fluid, which upon immersion in gastric fluid retains at least about 40% of said drug one hour after such immersion and releases substantially all of said drug within about eight hours after such immersion, and which remains substantially intact until all of said drug is released.

The active agents mentioned in the patent include bupropion HCl (*See* col. 7, line 32). However, the patent fails to teach or suggest modified release bupropion HCl tablet formulations as claimed having the recited dissolution profile, bioequivalency, coating layers, and ingredients.

15. U.S. Patent No. 6.342,249 Wong et al. (Alza Corporation)

This patent pertains to compositions for controlled release of liquid, active agents produced by dispersing the liquid active agent formulation in osmotic, rush-layer dosage forms that provide for continuous or polsatile delivery of active agent. The potential active agents that may be used in such compositions disclosed in the patent include bupropion HCl (*See* col. 12, line 21). However, the patent fails to teach or suggest modified release bupropion HCl tablet formulations as claimed having the recited dissolution profile, bioequivalency coating layers, and ingredients.

16. U.S. Patent No. 6,342,250 Masters (Gel-Del Technologies, Inc.)

This patent pertains to methods for producing solvated drug delivery devices comprising

(a) preparing a coatable composition comprising one or more biodegradable polymeric materials, one or more pharmacologically active agents, and one or more biocompatible solvents;

(b) coating the composition to form a film;

(c) partially drying the coated film until the coated film can be formed into a cohesive body;

(d) forming said cohesive body; and

(e) compressing the cohesive body to form a drug delivery device.

The potential active agents identified in the patent include bupropion HCl (*See* col. 18, line 44). The patent fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

17. U.S. Patent No. 6,368,626 Bhatt et al. (ALZA Corporation)

This patent pertains to a push delivery controlled release pharmaceutical device wherein residual drug content is minimized by a flow-promoting layer between a semi-permeable wall and drug layer. The potential active agents useful in such devices purportedly include bupropion (*See* col. 7, line 67). The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

18. U.S. Patent No. 6,395,300 Straub et al. (Acusphere Inc.)

This patent pertains to methods for producing drug matrices which rapidly dissolve upon parental administration comprising:

(a) dissolving a drug in a volatile organic solvent to form a drug solution,

(b) combining at least one volatile pore forming agent with the volatile organic drug solution to form an emulsion, suspension, or second solution; and

(c) removing the volatile organic solvent and volatile pore forming agent from the emulsion, suspension, or second solution to yield a porous matrix comprising the drug.

The drugs that purportedly may be incorporated in such matrices include bupropion HCl (*See* col. 7, line 29). The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed release dissolution profile, bioequivalency, coating layers, and ingredients.

19. U.S. Patent No. 6,441,046 Mendel et al. (Abbott GmbH & Co., KG)

This patent relates to butylamine compounds for controlling metabolism and medicaments based thereon. The patent discloses administration of these compounds alone and in combination with other drugs including dopamine inhibitors such as bupropion. The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

20. U.S. Patent No. 6,482,987 KulKarni et al (Clonmed Health Care Ltd.)

This patent relates to stable formulations of bupropion hydrochloride which maintain at least 80% of their potency after one year, prepared by dry blending bupropion hydrochloride and a solid stabilizer and dry milling to provide a solid dosage form.

The patent fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

21. U.S. Patent No. 6,488,962 Berner et al. (DepoMed Inc.)

This patent relates to controlled release oral dosage forms that are shaped in a manner to prevent the formulation passing through the pylorus, and which permit easy swallowing prior to swelling. The drugs mentioned in the patent for potential use therein include bupropion HCl.

The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

22. U.S. Patent No. 6,495,605 McCullaugh et al. (Sepracor Inc.)

This patent relates to compositions and methods of use comprising an optically pure (+) isomer of bupropion. The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

23. U.S. Patent No. 6,500,459 Chabra et al.

This patent relates to a controlled onset and sustained release drug formulation comprising:

(i) a core comprising active ingredients, a hydrophilic carrier

(ii) a functional coating surrounding the core. The potential active ingredients include bupropion.

The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

24. U.S. Patent No. 6,541,532 Inghehart, III (Vela Pharmaceuticals Inc.)

This patent relates to sustained release drug formulations and methods of use which provide for a very low dosage of active agent (cyclobenzoprone) to be released. The patent mentions that some compositions may further include other active agents including antidepressants such as bupropion.

However, the patent fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

25. U.S. Patent No. 6,558,708 Lin (Cedars-Sinai Medical Center)

This patent relates to a drug delivery system which prolongs the residence time of an orally or parenterally administered drug and which promotes its dissolution, biovailability and/or absorption in the small intestine. The patent further mentions that these drugs may comprise an antidepressant such as bupropion.

The patent fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed release characteristics, bioequivalency, coating layers and ingredients.

26. U.S. Patent No. 6,569,463 Patel et al. (Lipocite Inc.)

This patent pertains to sustained release solid pharmaceutical drug formulations for improved delivery of active agents in the form of a solid carrier comprising a substrate and an encapsulation coat on the substrate, wherein the encapsulation coat comprises an admixture of a hydrophobic active ingredient, a salubilizing amount of a hydrophilic surfactant, and a lipophilic additive selected from lipophilic surfactants, triglycerides, and combinations. The disclosed potential hydrophobic active ingredients include bupropion (col. 5, line12).

The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

27. U.S. Patent No. 6,589,553 Li et al. (Andrx Pharmaceuticals Inc.)

This patent relates to a once a day bupropion hydrochloride formulation comprising:

(a) a first component comprising immediate release bupropion and its salts, isomers or a pharmaceutically acceptable aminoketone antidepressant;

(b) a second component comprising pellets that contain:

(i) a core comprising (1) an inert carrier, (2) bupropion and its salts, isomers, or a pharmaceutically acceptable aminoketone antidepressant agent; and (3) a binder; and

(ii) a coating comprising a pH dependent coating agent; and

(c) a third component comprising pellets comprising:

(i) a core comprising (1) an inert carrier, (2) bupropion and its salts, isomers, or a pharmaceutically acceptable aminoketone antidepressant agent; and (3) a binder; and

(ii) a coating comprising (I) a water insoluble methyl acrylic acid copolymer and (II) a water soluble polymer.

The patent, however, fails to teach or suggest modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

28. <u>U.S. Patent No. 6,797,283</u> Edgren et al. (ALZA Corporation)

This patent pertains to a multilayered dosage form which is adapted for retention in the stomach and provides for prolonged delivery of an active agent. The potential active agents mentioned include bupropion (*See*, col. 23, line 50).

However, the patent fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

29. U.S. Patent No. 6,730,321 Tinj et al. (Impax Pharmaceuticals)

This patent pertains to a press-coated tablet for oral administration comprising an immediate-release compartment comprising a compressed blend of active agents and providing for 90% release of active agent within 6 hours. The active agents mentioned include bupropion (*See* col. 3, line 57).

The patent fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

30. U.S. Patent No. 6,723,340 Guster et al (DepoMed Inc.)

This patent application discloses unit dosage form tablets for delivery of active agents comprising a solid unitary matrix formed of a combination of polyethylene oxide and hydroxypropyl methylcellulose, which swells in the GI environment and gradually disintegrates after drug release. Among the potential active agents are bupropion (*See* col. 6, line 32).

The patent fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

31. U.S. Patent No. 6,682,759 Lin et al (DepoMed Inc.)

This patent pertains to methods for producing a tablet that provides for both immediate release and prolonged release of a drug, wherein immediate-release is facilitated by the use of drug particles equal or less to 10 microns in diameter, applied as a layer or coating over the prolonged release drug

containing core. Among the drugs that potentially may be used therein are bupropion (*See* col. 5, line 50).

The patent fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

32. U.S. Patent No. 6,641,614 Carlson et al (Merck Sharp & Rohne Ltd.)

This patent relates to the treatment of depression ad/or anxiety by administration of an NK-1 receptor antagonist and an anti-depressant or anti-anxiety agent, potentially bupropion (*See* col. 23, line 15).

The patent fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

33. U.S. Patent No. 6,635,281 Wong et al (ALZA Corporation)

This patent pertains to an active agent dosage form adopted for retention in the stomach that is for prolonged delivery of an active agent, comprising a plurality of drug containing core particles coated with a first coat comprising an enteric polymer and a second coat comprising a combination of a water insoluble polymer and an enteric polymer. The potential active agents include bupropion (*See* col. 23, line 15).

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

34. U.S. Patent Application Publication No. US 2001/0018070 Shell et al.

This published patent application relates controlled-release oral drug dosage forms for releasing a drug whose solubility in water is greater than one part by weight of said drug in ten parts by weight of water, said dosage form comprising a solid polymeric matrix with said drug dispersed therein at a weight ratio of drug to polymer of from about 15:85 to about 80:20, said polymeric matrix being one that swells upon imbibition of water thereby attaining a size large enough to promote retention in the stomach during said fed mode, that releases said drug into gastric fluid by the dissolution and diffusion of said drug out of said matrix by said gastric fluid, that upon immersion in gastric fluid retains at least about 40% of said drug one hour after such immersion and releases substantially all of said drug within about eight hours after such immersion, and that remains substantially intact until all of said drug is released

Among the drugs purportedly useful in such dosage forms are bupropion (¶ 0038). The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

35. **U.S. Patent Application Published Application No. 2002/0044960 Cheruki**

This patent application relates to a drug formulation for sustained release comprising a therapeutic agent, at least one compressible material, at least one lubricating material, which in the form of a caplet with a diameter from about 1 millimeter to 7 millimeters and a length from about 1 millimeter to about 7 millimeters. Among a large list of potential active agents the patent mentions is bupropion.

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

36. **U.S. Patent Application Published Application No. 2002/0047058 Verhoff et al.**

This patent application pertains to processes for producing a synergistic commixture comprising small particles of a solid substrate comprising small particulates of a first material of a desired size by milling, that reportedly are useful for producing controlled release drug formulations. Among the drugs that the patent application suggests can be incorporated in such commixtures is bupropion (para [00257]).

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

37. **U.S. Published Patent Application No. US 2002/0197311**
Hasenzahl et al.

The patent application pertains to pharmaceutical and cosmetic compositions containing pyrogenic silica oxide and one or more drugs or cosmetic agents. Among the drugs mentioned in the patent for potential incorporation therein is bupropion (*See* para [0028])

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

38. **U.S. Published Application No. US 2003/0003151**
Chopra

This application relates to a controlled release dissolution and diffusion device for delivery of an active agent at a constant or controlled-variable rate comprising a shaped core having a specific planar configuration and insoluble polymeric coating thereon. The application mentions a large number of potential active agents purportedly useful therein including bupropion (*See* ¶ [0065]).

The patent application, however, fails to teach or suggest modified release bupropion HCl formulations having the claimed dissolution profile, bioequivalency, coating layers and ingredients.

39. **U.S. Published Application No. US 2003/0044462**
Subramanian et al. (Kali Laboratories)

This patent application pertains to stabilized sustained release tablets comprising bupropion HCl and carboxyvinyl polymers that are purportedly stable for three months when stored at 40°C and 75% relative humidity.

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

40. **U.S. Published Application No. US 2003/0059471**
Compton et al.

This patent application relates to drug delivery formulations in the form of flakes and methods for their production. The application discloses a large list of drugs which potentially may be incorporated into such flake formulations, including bupropion HCl (*See* para [0132])

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

41. **U.S. Published Patent Application US 2003/0064097**
(Patel et al.)

This patent application pertains to pharmaceutical compositions comprising a solid carrier, the solid carrier comprising a substrate and an encapsulation coat thereon, wherein the encapsulation coat comprises at least one pharmaceutical active agent, potentially bupropion HCl (¶ [0036]) and at least one hydrophilic surfactant.

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

42. **U.S. Published Patent Application US 2003/0064104 Stillman**

This patent application pertains to an aqueous composition for consumption by humans that may comprise a drug additive, potentially bupropion (*See*, ¶ [0998]).

However, this patent application fails to teach or suggest a modified release bupropion HCl tablet composition having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

43. **U.S. Published Patent Application U.S. 2003/0072802 Cutler (RT Alamo Ventures)**

This patent application pertains to sustained release compositions comprising topirimate that optionally may be co-administered with other anti-depressants , *e.g,* bupropion HCl.

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

44. **U.S. Published Patent Application No. US 2003/0091630A1 Louiz-Helm et al.**

This patent application pertains to erodible, gastric-retentive drug dosage forms of the swellable erodible type comprising particles of a water-swellable biocompatible, hydrophilic polymer having an active agent encapsulated therein. The patent application enumerates a large number of potential active agents including bupropion HCl.

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

45. U.S. Published Patent Application No. US 2003/0104048A1 Patel et al.

This patent application relates to pharmaceutical forms having a highly hydrophilic fill material and a shell encapsulating the fill material, wherein the fill material includes at least 40% by w/w of a hydrophilic surfactant and an active agent (*e.g.*, bupropion HCl) and the shell contains at least one plasticizing agent in an amount sufficient to maintain shell plasticity upon migration into the fill material.

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

46. U.S. Published Patent Application No. 2003/0104052A1 Berner et al.

This application pertains to controlled release dosage forms that provide for continuous, sustained release of active agent to the GI tract upon administration, wherein an active agent is incorporated in the matrices of at least one biocompatible hydrophilic polymer that swells in the presence of aqueous gastric fluid. The application lists a large number of active agents that purportedly may be used therein including bupropion HCl (¶ [0130])

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

47. **U.S. Published Patent Application No. 2003/0104053A1**
Guster et al. (DepoMed Inc.)

This patent application relates to controlled release, unit dosage form tablets for delivery of pharmaceuticals wherein an active agent, *e.g.*, bupropion HCl, is dispersed in a solid unitary matrix formed of a combination of poly (ethylene oxide) and hydroxypropyl methylcellulose.

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

48. **U.S. Published Patent Application No 2003/0133982 A1**
Heimlich et al. (Pharmacia Corporation)

This application relates to a zero-order sustained release solid dosage form comprising a matrix core of ethylcellulose, an active agent and a hydrophobic polymer coating encapsulating the matrix core. The application purports that the active agents which may be used therein include water-soluble medicaments, *e.g.*, bupropion HCl (*See* para [0044]).

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

49. U.S. Published Patent Application No. 2003/0134906 A1 Valducci et al. (Valpharma SA)

This patent application relates to modified release pharmaceutical compositions containing bupropion HCl in tablet form and other components, particularly hydroxypropylmethylcellulose, starches, acids and carnauba mixed with an excipient, *e.g.*, lactose.

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

50. U.S. Published Patent Application No. 2003/0147952 A1 (Lim et al.)

This patent application relates to methods of manufacturing drug tablets for oral administration, which provide for both immediate-release and prolonged release of an active agent comprising particles of less than 10 microns in diameter applied as a layer or coating over a prolonged release drug containing core, the layer comprised of drug particles or a mixture of drug in admixture with a material that disintegrates rapidly in GI fluid. The patent application enumerates a number of potential active agents including bupropion.

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

51. U.S. Published Patent Application No. 2004/0229942 A1
Hassman et al. (Cephalon)

This patent application pertains to compositions and methods for treating depression disorders using modafonil in conjunction with an anti-depressant, potentially bupropion HCl.

The patent fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

52. U.S. Published Patent Application No. 2004/0225020 A1
McCullough et al. (Sepracor Inc.)

This patent application pertains to methods and compositions utilizing the (-) isomer of bupropion. The patent application does not teach or suggest modified release bupropion HCl formulations having the claimed dissolution profile, coating layers, bioequivalency and ingredients.

53. U.S. Published Patent Application No. 2004/0220274 A1
Sabolou-Jaynes (Pfizer Inc.)

This patent application relates to methods treating anxiety or depression using an NK-1 receptor antagonist and an anti-depressant, potentially bupropion (*See* p. 2, ¶ 28).

The patent application fails to teach or suggest sustained, controlled release bupropion HCl formulations having the claimed dissolution profile, bioequivalency, coating layer, and ingredients.

54. U.S. Published Patent Application No. 2004/0185097A1
Kannan et al. (Glenmark Pharmaceuticals)

This patent application pertains to a controlled release complex for use in solid oral controlled release pharmaceutical compositions suitable for once-a-day administration. The application mentions that it may be used in bupropion controlled release compositions.

The patent fails to teach or suggest a modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

55. U.S. Published Patent Application No. 2004/0156899 A1
Louie-Helm et al.

This patent application relates to erodible, gastric retention dosage forms designed based on an in vitro drug release profile obtained with USP Disintegration test equipment. The active agents potentially to be incorporated therein include bupropion (*See* p. 12, ¶ [0124]).

The patent fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

56. U.S. Published Patent Application No. 2004/0156872
Boson et al. (Elan Pharma Int'l Ltd.)

This patent application relates to nanoparticulate nimesulfide compositions thereto used in drug delivery compositions. The patent mentions a p. 9, ¶ 106 the use of these particles in conjunction with active agents such as bupropion.

The patent fails to teach or suggest a modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

57. U.S. Published Patent Application No. 2004/0141925
Bosch et al. (Elan Pharma Int'l Ltd.)

This patent application pertains to nanoparticulate tramcinolose and/or tramcinolone derivative compositions and their use in drug delivery compositions. The potential drugs for use therewith include bupropion. (*See,* p. 12, ¶ 14).

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

58. U.S. Published Patent Application No. 2004/0132826
Hirsch et al. (Collegium Pharmaceuticals)

This patent application pertains to a once-a-day milnaciprin modified release formulation that purportedly may be administered in conjunction with bupropion (*See* p. 5, ¶ 44).

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

59. U.S. Published Patent Application No. 2004/0121010 A1 Hirsch et al. (Collegium Pharmaceutical)

This patent application relates to a once-a-day oral milnacriprin pulsate drug release composition that allows milnaciprin to be delivered over a 24 hour period, potentially in combination with other active agents.

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

60. U.S. Published Patent Application No. 2004/0115263 A1 Robertson et al. (Pharmacia & Upjohn)

This patent application relates to the use of bupropion and salts thereof for treatment of restless leg syndrome in humans.

The patent, however, fails to teach or suggest a modified release bupropion HCl tablet formulation having the claimed dissolution profile, bioequivalency, coating layers, and ingredients.

61. U.S. Published Patent Application No. 2004/0059002 A1 Couch et al.

This patent application relates to a once-a-day sustained release formulation of an amphetamine salt which potentially may include another therapeutic agent, *e.g.,* bupropion (welbutin) (*See* p. 4, ¶ [0091]).

The patent application does not teach or suggest modified controlled release tablet formulations of bupropion HCl having the claimed dissolution profile, coating layers, bioequivalency and specific constituents.

62. U.S. Published Patent Application No. 2004/0037879
Adusmilli et al. (Glaxo Smith Kline)

This patent application pertains to oral dosage formulations comprising a nicotine active optionally combined with an anti-depressant, potentially bupropion (*See* p. 3, ¶ [0091]).

The patent application fails to teach or suggest a modified controlled release tablet formulation of bupropion HCl having the claimed dissolution profile, bioequivalency, coating layers and specific constituents.

63. U.S. Published Patent Application No. 2004/0022852 A1
Chopra

This patent application relates to controlled release dissolution and diffusion devices for delivery of active agents, *e.g.,* bupropion hydrochloride (*See* p. 7, ¶ [0066]).

The patent application does not teach or suggest a modified controlled release bupropion HCl formation having the claimed dissolution profile, bioequivalency, coating layers and specific constituents.

64. U.S. Published Patent Application No. 2004/0022844 A1
Hasenzahl et al.

This patent application pertains to granular materials based on pyrogenically produced silicon dioxide in pharmaceutical compositions for sustained release of active agents. The disclosed active agents include bupropion (*See,* p. 4, ¶ [0120]).

This patent application does not teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers and specific constituents.

65. U.S. Published Patent Application No. 2003/0232080 A1
Pather et al. (Cima Labs Inc.)

This patent application relates to a pharmaceutical composition that is absorbed sequentially at a desired site in a mammal comprising a first portion for promoting dissolution and a second portion for promoting absorption of the pharmaceutical composition and an active ingredient, potentially bupropion HCl (*See, e.g.* p. 7, Table 1).

The patent application fails to teach or suggest a modified controlled release bupropion HCl formulation having the claimed dissolution profile, coating layers, bioequivalency and specific constituents.

66. U.S. Published Patent Application No. 2003/0198683 A1
Li et al.

This patent application discloses a once-a-day bupropion HCl 150 mg oral formulation comprising a palletized or extruded composition having core pellets comprised of bupropion HCl, sugar spheres, and a hydroxypropyl methylcellulose polymer (Methocel E5) and sustained release coated pellets which comprise said bupropion pellets, Eudragit® 5100 polymer, Ethocel® 10cps polymer, acetyltribetyl citrose and talc, which purportedly possess the release profiles according to USP XIII dissolution test reported in Table 1 and Table 2 at pages 5-6 of the application, and the in vivo bioavailability profile contained in Table 3 at page 6 of the application.

Additionally, the application discloses capsule formulation comprising said bupropion active pellets, Eudragit® 5100 polymer, Ethocol® 10cps polymer, acetyltributyl citrate and talc, purportedly possessing the in vitro dissolution profile and in vivo bioavailability data contained in the Tables at page 7 of the patent application.

This patent application fails to teach or suggest a modified controlled release bupropion HCl tablet formulation having the claimed dissolution profile, coating layers, bioequivalency and specific constituents.

67. U.S. Published Patent Application No. 2003/0152622 Louie-Helm et al.

This patent application pertains to erodible, gastro-retentive orally administrable drug formulations having a desired in vitro drug release profile obtained using USP Disintegration test equipment.

This patent application fails to teach or suggest a modified controlled release bupropion HCl tablet formulation having the claimed dissolution profile, coating layers, bioequivalency and specific constituents.

68. CA 1,321,754 Baker et al (Wellcome Foundation Ltd.

This Canadian patent pertains to a controlled release composition for oral administration comprising bupropion HCl in a solid sustained release carrier which purportedly releases about 10% to 45% of bupropion HCl within 2 hours, 25% to 70% within 4 hours, and about 40% to 90% release within 6 hours, as measured in simulated GI buffer at a pH of 1.5 at 37°C.

This patent application, however, fails to teach or suggest a modified controlled release bupropion HCl formulations having the claimed dissolution profile, bioequivalency, coating layers, and specific constituents.

69. CA 2,286,684 A1 Odidi et al.

This patent application relates to a controlled release pharmaceutical composition comprising:

(a) at least one pharmaceutical active substance having a water contact angle (8) such that cos 8 is between +0.9848 and -0.9848;

(b) a first polymer of ethycellulose; and

(c) a second polymer component having opposite wettability characteristics to said first polymer, said second polymer component comprising a mixture of hydroxyethycellulose and hydroxypropyl methyl cellulose, the first and second polymer components being present in a ration in the range of about 1:100 to about 100:1 by weight, wherein said polymer components being effective for providing controlled sustained release of said pharmaceutically active substance from said composition for up to at least 20 hours.

The active agents that purportedly may be used therein include bupropion (*See* page 6, line 24).

The patent application, however, fails to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, coating layers, bioequivalency, and ingredients.

70. CA 2,259,730 A1 Sherman

This patent application relates to a sustained release tablet comprising bupropion HCl and hydroxyethylcellulose that purported provides for sustained release as follows:

1) between 20% and 60% in 1 hour;

2) between 50% and 95% in 4 hours; and

3) not less than 75% in 8 hours.

The patent application does not teach or suggest modified controlled release bupropion HCl formulations having the specifically claimed dissolution profile, coating layers, bioequivalency, and ingredients.

71. CA 2 318 960 A1 Young et al. (Sepracor Inc.)

This application relates to drug formulations comprising optically pure (+) isomer of bupropion potentially in the form of a sustained release drug formulation.

The patent application fails to teach or suggest modified controlled release bupropion HCl formulations having the claimed dissolution profile, coating layers, bioequivalency, and ingredients.

72. CA 2 433 915 A1 Nangia et al.(Andrx Pharmaceuticals)

This patent application relates to a once a day bupropion HCl formulation comprising a bupropion/cellulose ether suspension applied to inert spheres divided and coated with two types of film coatings, an enteric coating and a

hydrophobic coating, wherein the drug is released at different pH throughout the GI tract thereby providing for prolonged drug release.

The application exemplifies dosage forms comprising 150 mg of bupropion or salt thereof wherein in vivo plasma profile is selected from:

i) Mean Tmax of 5 hours or more;

ii) Mean Cmax of less than 90 ng/ml; and

iii) Mean $AUC_{0\text{-}12oh}$ of more than about 350 (ng-h)ml.

The patent application fails to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile bioequivalency, coating layers, and ingredients.

73. WO 00/54773 Gervey (Janus Pharmaceuticals)

This patent application relates to compositions comprising at least one dopamine agonist, potentially bupropion, in combination with at least one nitric oxide donor.

The patent application fails to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, and coating layers.

74. WO 02/094323 A1 Jamerson et al. (Glaxo Ltd.)

This patent application relates to weight loss reduction compositions comprising a bupropion compound and a food component.

The patent application fails to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, coating layers, and bioequivalency.

75. WO 03/015795 A1 Ayres (Oregon State University)

This patent application relates to a gastric retention device comprising a gel formed from a polysaccharide, *e.g.,* xanthan gum or locust bean gum, having a coating applied thereto which is erodible by gastric fluid, *e.g.,* an enteric coating, and containing an active agent, *e.g.,* an anti-depressant, potentially bupropion HCl (*See* page 14, line 11).

The patent application fails to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency and coating layers.

76. WO 99/38499 McCullough et al. (Sepracor Inc.)

This patent application relates to pharmaceutical compositions comprising an optically pure (-) isomer of bupropion, which may be comprised in controlled or sustained release compositions.

The patent application fails to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed release dissolution profile, bioequivalency and coating layers.

77. WO 03/086362 A2 Chawla et al. (Ranbaxy Laboratories Ltd.)

This patent application relates to a stable bupropion HCl tablet, which is free of stabilizer and containing about 80% of undegraded bupropion HCl after being stored for 2 months at 40°C and 75% relative humidity.

The patent application fails to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed release dissolution profile, bioequivalency and coating layers.

III. United States Patents Disclosing Solid Controlled Release Compositions (No Explicit Mention of Bupropion HCl As Active Agent)

1. U.S. Patent No. 4,361,545 Powell et al. (Rowell Laboratories)

This patent relates to solid pharmaceutical formulations intended for slow, zero order release via controlled surface erosion. The patent purports to describe compositions having a broad range of release rates. The patent does not mention bupropion as a possible active agent encapsulated therein, nor does it teach bupropion tablet compositions having the claimed dissolution profile, bioequivalency and coating layers.

2. U.S. Patent No. 4,711,782 Okada et al (Takeda Chemical Industries)

This patent discloses prolonged release microcapsules and methods for their production. The patent does not mention bupropion hydrochloride as a potential active agent for use therein, nor does it teach sustained release tablet bupropion compositions having the claimed dissolution profile, coating layers, and bioequivalency.

3. **U.S. Patent No. 4,713,248 Kjorn et al (A/S Alfred Benzen)**

This patent discloses dosage forms for oral administration that provide for controlled release of a pharmaceutical active agent having a water-diffusible controlled release coating. The patent does not describe a bupropion hydrochloride containing controlled release composition, nor does it teach bupropion compositions having the claimed dissolution profile, bioequivalency and coating layers.

4. **U.S. Patent No. 4,792,452 Howard et al. (E.R. Squibb & Sons, Inc.)**

This patent discloses a controlled release pharmaceutical formulation that provides for controlled release of a pharmaceutical active agent. The compositions comprised in particular up to 45% by weight of a pH dependent polymer which comprises an alginic acid salt, *e.g.,* sodium alginate. The patent does not disclose a bupropion hydrochloride controlled release composition, nor does it teach bupropion tablet compositions having the claimed dissolution profile, bioequivalency and coating layers.

5. **U.S. Patent No. 4,795,641 Kashdan**

This patent relates to polymer blends useful for achieving zero-order delivery of active agents, *e.g.,* pharmaceuticals. Bupropion HCl is not mentioned in the patent.

6. **U.S. Patent No. 4,795,643 Seth (Mepha AG Dernascherstrasse)**

This patent relates to a medicament for delayed release of a pharmaceutical active agent upon oral administration which comprises capsules

containing a nunionic surfactant consisting of a polyglycol ester or ether and a organic polymer which forms a free-flowing composition. This patent does not mention bupropion hydrochloride or any composition containing, nor does it teach bupropion tablet compositions having the claimed dissolution profile, bioequivalency and coating layers.

7. **U.S. Patent No. 4,797,286 Thakkar et al (Eli Lilly & Co.)**

This patent relates to orally administratable pharmaceutical compositions having a semi-solid matrix containing a hydrophobic substance which creates channels and provides for sustained release of active agent. The patent does not disclose bupropion HCl or a composition containing, nor does it teach bupropion tablet compositions having the claimed dissolution profile, bioequivalency and coating layers.

8. **U.S. Patent No. 4,806,337 Snipers et al. (Zetachron, Inc.)**

This patent discloses a sustained release composition for release of a biologically active agent in the form of a bioerodible matrix comprising a solid water-dispersible polyether diol polymer and an amphiphilic compound which acts as an erosion rate modifier. The patent does not mention bupropion HCl or any composition containing, nor does it teach bupropion tablet compositions having the claimed dissolution profile, bioequivalency and coating layers.

9. **U.S. Patent No. 4,834,985 Elger et al. (Euroceltique Inc.)**

This patent discloses solid, controlled release pharmaceutical compositions comprising an active agent contained in a matrix including water soluble

polydextrose, cyclodextrin a C_{12}-C36 fatty alcohol and a polyakylene glyol. This patent does not mention bupropion HCl or any composition containing, nor does it teach bupropion tablet compositions having the claimed dissolution profile, bioequivalency and coating layers.

10. U.S. Patent No. 4,847,092 Thakker et al. (Eli Lilly & Co.)

This patent discloses orally administratable sustained release formulations having a semi-saline matrix containing a hydrophilic substance that creates channels in a hydrophobic matrix thereby providing for sustained release of active agent. The patent does not mention bupropion HCl or any composition containing, nor does it teach bupropion compositions having the claimed dissolution profile, bioequivalency and coating layers.

11. U.S. Patent No. 4,851,229 Magruder et al. (ALZA Corp.)

This patent relates to an osmotic delivery system for controlled, constant rate pulsed delivery of an active agent. The patent does not mention release bupropion HCl or a composition containing, nor does it teach bupropion tablet compositions having the claimed release dissolution profile, bioequivalency and coating layer and constituents.

12. U.S. Patent No. 4,880,622 Allcock et al. (Research Corp. Technologies)

This patent pertains to poly(organophospha-zero) polymer and their use in controlled release pharmaceutical compositions. The patent does not mention bupropion HCl or a composition containing, nor does it teach bupropion tablet

compositions having the claimed dissolution profile, bioequivalency and coating layer.

13. U.S. Patent 4,882,167 Jang

This patent relates to compressed compositions for controlled release of a pharmaceutical active agent comprising a hydrophobic carbohydrate polymer and at least one "digestive-difficult" material, *e.g.*, a wax or neutral lipid. The patent does not mention bupropion HCl or a composition containing, nor does it teach bupropion tablet compositions having the claimed dissolution profile, bioequivalency and coating layers.

14. U.S. Patent 5,030,457 Ng et al. (Pharmaceutical Delivery Systems)

This patent pertains to bioerodible ortho ester polymers for use in compositions that provide for controlled release of therapeutic agents. Bupropion HCl or a composition containing is not disclosed, nor does it teach bupropion tablet compositions having the claimed dissolution profile, coating layers, bioequivalency, and other constituents.

15. U.S. Patent No. 5,047,248 Calanchi et al. (Eurand Italia S.P.A.)

This patent relates to pharmaceutical compositions for sustained release of an active agent which comprise a matrix consisting of a polysaccharide of natural origin mixed with one or more natural or synthetic polymers. The patent does not mention bupropion HCl or a composition containing. Specifically, it does not teach bupropion compositions having the claimed dissolution profile, bioequivalency, coating layers and constituents therein.

16. U.S. Patent No. 5,082,655 Snipes et al. (Zetachron, Inc.)

This patent relates to sustained release compositions containing a biologically active agent contained in an erodible matrix comprised of a solid water-dispersable polyether diol and an erosion rate modifier which is an ampiphilic compound insoluble in an aqueous liquid. The patent does not mention bupropion HCl or a tablet composition containing.

17. U.S. Patent 5,126,646 Senihoff et al (Merck & Co.)

This patent pertains to a microporous, cellulosic coating and its use in osmotically controlled drug release devices, *e.g.,* coated tablets. Bupropion HCl or a tablet composition containing is not mentioned in this patent.

18. RE: 33,994 Baker et al. (Burroughs Wellcome Co.)

This patent relates to pharmaceutical compositions comprising a water-soluble active agent, a water-impermeable film coating and a particulate, water-soluble, pore-forming material dispersed within the film coating. The patent does not mention bupropion HCl or a tablet composition containing.

19. U.S. Patent No. 5,169,638 Dennis et al. (E.R. Squibb & Sons, Inc.)

This patent relates to a buoyant controlled release pharmaceutical powder formulation which provides for controlled release of an active agent which comprises up to 45% of a pH dependent polymer, *e.g.,* an alginic acid salt and up to 35% of a pH-independent hydrocarbon gelling agent. The patent does not mention bupropion HCl or a tablet composition containing.

20. U.S. Patent No. 5,187,150 Speiser (Debiopharm S.A.)

This patent relates to a pharmaceutical composition for sustained, controlled release of an active agent comprising a carrier comprised of a biodegradable polymer or copolymer derived from a dicarboxylic acid which is selected from Krebs cycle acids, an aliphatic diol containing 4 carbon atoms or derived from cyclohexane-1,4-dimethanol. The patent does not mention bupropion HCl or a sustained release tablet compositions containing.

21. U.S. Patent No. 5,200,193 Radebaugh et al. (McNeil Lab. Inc.)

This patent relates to sustained release homogeneous tablet formulations produced using povidone (PVP) in alcohol as a granulating fluid, which is mixed with an active agent, and an erosion promoter, .e.g., a starch material. This admixture upon compression provides for prolonged, slow incremental release of active agent, and yields multi-layered pharmaceutically active tablets comprising immediate release and/or sustained release layers. The patent does not mention bupropion HCl or a sustained release tablet formulations containing.

22. U.S. Patent No. 5,283,065 Doyon et al. (American Cyanamid Co.)

This patent describes controlled release pharmaceutical compositions in tablet form comprising therapeutically active spherical granules comprising an active material, and a pharmaceutically acceptable, normally solid diluent that forms a diffusible matrix for an active agent, and compressible granules comprising a mono or disaccharide, and an optional active ingredient, wherein the average compression yield of compressible spherical granules is less than the

average compression yield of active spherical granules. The patent does not mention bupropion HCl or a sustained release tablet formulation containing.

23. U.S. Patent No. 5,391,377 Barnwell (Cirtacs Ltd.)

This patent relates to biphasic release formulations for lipophilic acids comprising a C12-C24 fatty acid and a generally lipophilic pharmaceutically active substance, which formulations provide for sustained release of said active agent upon non-parenterol administration. The patent does not mention bupropion HCl or a modified sustained release tablet formulation containing.

24. 5,431,922 Nicklasson (Bristol-Meyers Squibb, Co.)

This patent discloses an extended controlled release composition of buspirone or a salt thereof which provide for release of active agent over 6 to 24 hours. The patent does not mention bupropion HCl or modified controlled release tablet compositions comprising bupropion HCl.

25. U.S. Patent No. 5,462,747 Radebaugh et al. (McNeil-PPC)

This patent relates to a sustained release homogeneous tablet or tablet layer produced using providone in alcohol as a granulating fluid, an active agent, and an erosion promoter. The compressed granulates upon administration provide for long-lasting, slow and incremental release of active agent and may be used to produce multi-layered pharmaceutically active tablets which provide for immediate release and/or sustained release. The patent fails to mention bupropion HCl or modified controlled release tablet formulations containing.

26. U.S. Patent No. 5,478,572 David et al. (Bristol-Meyer Squibb Co.)

This patent relates to extended release pharmaceutical compositions comprising a gepirone salt, a cellulosic polymer matrix and pharmaceutical excipients that provide for a sustained release of gepirone over 18 to 24 hours with release of 90-95% of the compound. The patent fails to teach or suggest bupropion HCl or modified controlled release tablet formulations containing.

27. U.S. Patent No. 5,523,095 Wilson et al. (Eastman Chemical Co.)

This patent relates to controlled release pharmaceutical matrix systems comprising a homogeneous mixture of polyvinylpyrrollidone, cellulose acetate and a water-soluble active ingredient. The patent fails to mention bupropion HCl or modified, controlled release bupropion HCl tablet formulations containing.

28. U.S. Patent No. 5,558,879 Chen et al. (Andrx Pharmaceuticals, Inc.)

This patent relates to controlled release pharmaceutical tablets for once a day administration having i) a compressed core containing a active agent, 5 to 20% by weight of water soluble osmotic agent, a water soluble pharmaceutically acceptable polymer binder and an excipient; and (ii) a dual layer membrane coating consisting of a first inner coating layer that provides for sustained release of active agent comprising a plasticized water insoluble pharmaceutically acceptable polymer and a pharmaceutically acceptable water soluble polymer and an outer layer coating providing for immediate release of medicament comprising the medicament and a water soluble polymer. The patent does not

mention bupropion HCl or a modified controlled release tablet formulations containing.

29. U.S. Patent 5,582,837 Shell (DepoMed Inc.)

This patent relates to sustained release drug dosage forms in tablet, or capsule form comprising a plurality of particles of a drug dispersed in alkyl cellulose. The patent fails to teach or suggest bupropion HCl or an extended, controlled release formulation containing.

30. US. Patent 5,603,953 Herbig et al. (Andrx Pharmaceuticals)

This patent relates to supported membrane delivery devices for release of bioactive agents that comprise a microporous hydrophobic support membrane which surrounds an active agent containing hydrophilic formulation. The patent does not mention bupropion HCl or a tablet formulation containing.

31. US. Patent 5,648,096 Gander et al. (Schwartz Pharma A.G.)

This patent pertains to methods for producing microcapsules containing embedded active agents by spraying a solution, dispersion or suspension of active agent and a biodegradable polymer. The patent does not mention bupropion HCl or a tablet formulation containing.

32. U.S. Patent 5,654,005 Chen et al (Andrx Pharmaceuticals)

This patent relates to a controlled release pharmaceutical tablet comprising at least one passageway and a compressed core comprising an active agent and water-soluble pharmaceutical acceptable polymer and a membrane

coating surrounding the compressed core comprised of a water insoluble pharmaceutically acceptable polymer. The patent does not mention bupropion HCl or a modified controlled release tablet formulation containing.

33. U.S. Patent No. 5,733,577 Myers et al.

This patent relates to quick dissolve dosage forms prepared by mixing an uncured shearform matrix and a controlled release system, molding or compacting and curing. The patent fails to teach or suggest a modified controlled release bupropion HCl tablet formulation as claimed.

34. U.S. Patent 5,762,950 Yli-Jrps et al. (Orion-Yhtyma Oy)

This patent relates to a bioceramic system for delivery of a bioactive agent comprising a bioactive glass or ceramic material. The patent does not mention bupropion HCl or a modified sustained release tablet composition comprising bupropion HCl as claimed herein.

35. U.S. Patent No. 5,762,961 Roser et al. (Quadrant Holdings Cambridge Ltd.)

This patent relates to a tablet formulation having enhanced solubility and methods for its preparation. The patent does not mention bupropion HCl or a modified sustained release bupropion HCl formulations as claimed herein.

36. U.S. Patent No. 5,840,334 Raiden et al. (Fuisz Technologies Ltd.)

This patent relates glycerin-free shearfoam composition wherein xylitol is incorporated into a feedstock, and flash-flow processed to form a self-binding shearform matrix. The patent does not mention bupropion HCl or a modified release tablet formulation containing.

37. U.S. Patent 5,876,752 Herbig et al. (Pfizer Inc.)

This patent relates to drug delivery devices for controlled release of active agents comprising a porous substructure surrounded by one or more interfacial membranes. The patent mention bupropion HCl or sustained, controlled release bupropion HCl tablet compositions having the claimed dissolution profile, bioequivalency and coating layers.

38. U.S. Patent 5,888,542 Huet de Barochez et al. (Adin Et Compagnie)

This patent relates to a matrix tablet for prolonged release of a sodium salt of tianeptine comprising a cellulose polymer that provides for prolonged release. The patent does not teach or suggest modified controlled release bupropion HCl tablet compositions having the claimed dissolution profile, bioequivalency and coating layers.

39. U.S. Patent No. 5,919,484 Shih et al. (ISP Investments Inc.)

This patent relates to a controlled release, active agent containing tablets comprising an uncrossliked or crosslinked polymer of a vinyl amide, methacrylinc acid, a long chain alky methacrylate or acrylamide, and lower alkyl methacylate and an active pharmaceutical agent. The patent does not mention bupropion HCl or sustained, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency and coating layers.

40. U.S. Patent No. 5,958,458 Norling et al. (Dumex-Alpharma A/S)

This patent relates to a pharmaceutical composition comprising particulates in the form of coated cores comprising a pharmaceutically acceptable carrier selected from various salts and activated carbon and an active substance in a layer on the outer surface of the core. The patent does not mention bupropion HCl or a sustained, controlled release bupropion HCl tablet formulation having the recited dissolution profile, coating layer and bioequivalency.

41. U.S. Patent 6,004,582 Faour et al. (Laboratories Phoenix USA, Inc.)

This patent relates to a multi-layer osmotic device for delivery of an active agent comprising a compressed core, a semipermeable membrane surrounding, an inert, erodible water soluble polymer coat surrounding the membrane and an external coat comprising an active agent which provides for immediate release. The patent does not mention bupropion HCl or more particularly, modified release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers and constituents contained therein.

42. U.S. Patent No. 6,020,002 Myers et al. (Fuisz Technologies, Ltd.)

This patent relates to a quick dissolve comestible unit containing a controlled-release system comprising an active agent comprised in a molded tablet. The patent fails to mention bupropion HCl and more specifically fails to teach modified controlled release bupropion HCl tablet formulations have the claimed dissolution profile, bioequivalency and coating layers.

43. U.S. Patent No. 6,022,562 Autant, et al. (Flamel Technologies, Inc.)

This patent relates to microcapsules containing an active agent wherein the active principles are smaller or equal to 1000μm in size and are coated with a film-forming polymer derivative, a hydrophobic plasticizer, and a functional agent and a nitrogen-containing polymer.

The patent fails to mention bupropion HCl as a potential active agent and more specifically fails to teach or suggest modified controlled release bupropion HCl formulations having the claimed dissolution profile, bioequivalency and coating layers.

44. U.S. Patent No. 6,033, 685 Qiu et al. (Abbott Laboratories)

This patent relates to tablets for controlled release of active agents comprising a matrix and/or having an active agent embedded in a non-swellable, non-gelling hydrophobic matrix, a barrier layer laminated to a portion of the matrix layer, and an optional second barrier layer laminated to the opposite portion of matrix. The patent fails to mention bupropion HCl as a potential active agent and more specifically fails to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers and constituents.

45. U.S. Patent No. 6,036,976 Takechi et al. (Takeda Chemical Industries)

This patent relates to sustained release microsperes and methods for their preparation by an in-water drying method. The patent fails to mention

bupropion HCl as a potential active agent and more specifically fails to teach or suggest sustained controlled release bupropion HCl formulations having the claimed dissolution profile, bioequivalency and coating layers.

46. U.S. patent No. 6,096,339 Ayer et al. (ALZA Corporation)

This patent relates to a dosage form comprising a drug and pharmaceutical carrier comprised of cooperating particles size and means for dispensing the agent formulations from the dosage form. The patent fails to mention bupropion HCl and more specifically fails to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers and constituents.

47. U.S. Patent No. 6,113,943 Okada et al. (Takeda Chemical Industries Inc.)

This patent relates to a sustained release drug formulation comprising a lactic acid polymer, and an active substance that provides for continuous zero order release of the active substance over prolonged time periods (up to 5 months). The patent does not mention bupropion HCl as a potential active substance and more particularly fails to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents contained therein.

48. U.S. Patent No. 6,117,452 Ahlgren et al. (Fuisz Technologies)

This patent pertains to thermoformed compositions containing 50-90% of one or more active agents and processing aids consisting essentially of 10-90% of

glyceryl monostearate, and 0-10% of emulsifiers or surfactants. The patent does not specifically mention bupropion HCl or a composition containing.

49. U.S. Patent No. 6,129,931 Nerella et al. (ISP Investments Inc.)

This patent relates to a pH-dependent, controlled-release, drug delivery composition comprising (a) a complex of poly(maleic diacid-alkyl vinyl ether) and polyvinylpyrrolidone, and (b) an active agent. The patent fails mention bupropion HCl and more specifically fails to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents contained therein.

50. U.S. Patent No. 6,143,325 Dennis et al. (Bristol Myers Corp.)

This patent relates to extended-release compositions containing nefazodone HCl, ionic and non-ionic gelling polymers, an insoluble hydrophilic agent, and excipients that provide for pH-modulated release of nefazodone. The patent fails to mention bupropion HCl and more specifically does not teach or suggest modified controlled release bupropion HCl formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents contained therein.

51. U.S Patent No. 6,159,501 Skinhoj (Nycomed Denmark)

This patent relates to an oral pharmaceutical modified release composition comprised of multiple-units for administration of an opioid.

The patent fails to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency. coating layers, and constituents contained therein.

52. U.S. Patent No. 6,183,780 Van Balken et al. (Duphor Interactive Research BV)

This patent relates to an oral delayed immediate release formulation comprising a compressed core containing one or more active substances surrounded by a coating, wherein release of active material from the core is caused by rupture of the coating after exposure to GI fluids after a definite delay period, and wherein the core comprises one or more immediate release carriers and has no swelling properties upon exposure to GI fluids. The patent does not mention bupropion HCl or more specifically a modified release tablet composition having the recited dissolution profile, bioequivalency, coating layers, and constituents contained therein.

53. U.S. Patent No. 6,274,171 Sherman et al. (American Home Products Inc.)

This patent relates to a 24-hour extended release formulation of venlafaxine HCl, contained in spheroids which are comprised of the drug microcrystalline cellulose and, optionally, hydroxypropylmethylcellulose coated with a mixture of ethyl cellulose and hydroxypropylmethylcellulose. The patent does not mention bupropion HCl and more specifically fails to teach or suggest sustained, controlled release bupropion HCl formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents contained therein.

54. U.S. Patent No. 6,287,587 Shigeyuki et al. (Takeda Chemical Industries)

This patent relates to sustained-release microcapsules containing high amounts of a drug, produced by admixing the drug, a biodegradable polymer, an organic solvent containing a fat and oil, and dispersing the resultant admixture followed by emulsification. The patent does not mention bupropion HCl and further fails to teach or suggest modified controlled release bupropion HCl tablet formulations dissolution profile, bioequivalency, coating layers, and constituents contained therein.

55. U.S. Patent No. 6,319,520 Wuthrich et al. (Adir et Compagnie)

This patent relates to a controlled release during formulation containing a drug encapsulated in a polymeric matrix of the polymethacrylate type. The patent fails to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents contained therein.

56. U.S Patent No. 6,340,476 Midha et al. (Armaquest Inc.)

This patent relates to a pharmaceutical composition which provides for pulsatile delivery of methylphenidate, wherein the composition is comprised of three dosage units, each having a different durg release profile. The patent fails to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents contained therein.

57. U.S. Patent No. 6,352,721 Faour (Osmotica Corp.)

This patent relates to devices for delivery of active agents comprising:

a) a core located approximately at the center of the device and comprising at least one expandable hydrophilic polymer and, optionally, an osmagent, said core being able to absorb fluids from the environment of use;

b) a composition immediately surrounding the core comprising at least one active substance and, optionally, one or more of an osmagent and an osmopolymer;

c) a membrane immediately surrounding the composition and comprising a mixture of a cellulose acylate, a poly(methacrylate) copolymer salt and a plasticizer, wherein the membrane permits delivery of the at least one active substance through a combination of diffusion and osmotic pumping; and

d) one or more preformed passageways and plural micropores in the membrane that communicate the composition with the outside of the device.

The patent fails to teach or suggest modified controlled release bupropion HCl formulations having the claimed dissolution profile, coating layers, bioequivalency, and constituents contained therein.

58. U.S. Patent No. 6,355,272 Carmella et al. (Eurand International)

This patent relates to a controlled release drug formulation comprising a complex of carrageenan and a water soluble drug. The patent fails to mention bupropion HCl and more particularly fails to teach or suggest sustained,

controlled release bupropion HCl tablet formulations having the claimed dissolution profile, and coating layers, bioequivalency, and constituents.

59. U.S. Patent No. 6,372,258 Saslawski et al. (Merck Patent G Sellschafer)

This patent relates to a multi-layer tablet for the immediate and prolonged release of active substance(s) comprising at least superposed two layers:

a first outer layer comprises a mixture of excipients and a first active substance, wherein the first layer allows immediate release of the first active substance;

a second layer, which is in contact with the first layer, comprises at least one nonbiodegradable, inert porous polymeric matrix in which a second active substance is dispersed; wherein the second active substance is identical to the first active substance.

The patent fails to mention bupropion HCl and more particularly fails to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, and coating layers, bioequivalency, and constituents.

60. U.S. Patent No. 6,387,403 Seroff et al. (ALZA Corporation)

This patent relates to dosage forms for sustained release of reboxetine comprising:

a) a semipermeable membrane defining an internal compartment;

b) an osmotic composition component comprising reboxetine and a carbohydrate within the internal compartment; and

c) a delivery orifice formed or formable in the semipermeable membrane through which the reboxetine is delivered.

The patent fails to mention bupropion HCl or to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents.

61. U.S. Patent No. 6,391,336 Royer (Royer Biomedical Inc.)

This patent relates to controlled release compositions comprising an active agent, calcium sulfate hemihydrate and a complexing agent which forms a salt or conjugate with the active agent. The patent fails to mention bupropion HCl as a potential active agent and does not teach or suggest controlled release bupropion HCl tablet compositions having the recited dissolution profile, coating layers, bioequivalency, and constituents.

62. U.S. Patent 6,419,952 Wong et al (ALZA Corp.)

This patent relates to drug dosage forms comprising a gelatin capsule containing (a) a liquid active agent formulation (b) multi-layer wall superimposed thereon comprising (i) a deformable barrier layer, (ii) an expandable layer (iii) a semipermeable layer and (c) an orifice formed or formable through the wall.

The patent fails to mention bupropion HCl and more specifically fails to teach or suggest modified controlled release bupropion HCl formulations having the claimed dissolution profile, coating layers, bioequivalency, and constituents.

63. U.S. Patent No. 6,440,457 Edgren et al. (ALZA Corporation)

This patent pertains to the administration of an antidepressant in an sustained release dosage form that provides for delivery over an extended period of time. The patent fails to mention bupropion HCl and particularly fails to teach or suggest sustained, controlled release bupropion HCl formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents.

64. U.S. Patent No. 6,475,521 Timmins et al. (Bristol Myers Squibb Co.)

This patent relates to a biphasic controlled release delivery system for pharmaceuticals which have high water solubility. The delivery system includes an inner solid particulate phase comprised of uniform granules and an outer solid continuous phase in which the inner solid phase particles are embedded.

The patent fails to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents.

65. U.S. Patent No. 6,491,947 Faour et al. (Osmotica Corp.)

This patent relates to drug delivery devices which deliver active substances by osmotic pumping, which comprise a first osmotic device enclosed within a second osmotic device.

The patent fails to mention bupropion HCl or to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents contained therein..

66. U.S. Patent No. 6,517,866 Am Ende et al. (Pfizer Inc.)

This patent relates to sustained dosage forms of sertraline which provide for release at a rate between 1 mg/hr and 40 mg/hr and which may possess an initial delay performed in drug release, in the form of a membrane-coated, diffusion-based capsule, tablet or multiparticulate.

. The patent fails to mention bupropion HCl or to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents.

67. U.S Patent No. 6,534,089 Ayer et al. (ALZA Corp.)

This patent relates to a drug delivery system for the delivery of a drug, wherein the dosage form comprises:

(a) a drug composition;

(b) a dose of drug comprising a size of less than 150 μm in the drug composition;

(c) a hydrophilic polymer comprising a size of less than 250 μm in the drug composition:

(d) a coat that surrounds the drug composition comprising means for delaying release of drug from the drug composition;

(e) a wall comprising a composition that surrounds the coat; and

(f) means in the dosage form for delivering the drug from the dosage form; wherein said drug is verapamil hydrochloride; and wherein the dosage form releases said verapamil hydrochloride at a rate having a percentage deviation of not more than 5% from the mean release rate over a prolonged period of time.

The patent fails to mention bupropion HCl as an active agent or to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, bioequivalency, coating layers, and constituents.

68. <u>U.S. Patent No. 6,548,084</u> Leonard et al. (Smith Kline Beachman Plc)

This patent relates to a controlled delayed release drug formulation containing a selective serotonin reuptake inhibitor which composition comprises a polymer comprising the reactive complex of a specific calcium polycarbophil compound that is water swellable and water insoluble and water.

The patent fails to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, coating layers, bioequivalency and constituents.

69. U.S. Patent No. 6,555,136 Midha (Pharma Quest, Inc.)

This patent relates to a pharmaceutical dosage forms which provide for pulsatile delivery of an active agent comprised of three dosage units, each having a different drug release profile.

The patent fails to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, coating layers, bioequivalency and constituents.

70. U.S. Patent No. 6,565,883 Ogorka et al. (Novartis AG)

This patent relates to drug delivery systems which provide for specific release of an active agent (rivastigamine) over time.

The patent fails to teach or suggest sustained, controlled release bupropion HCl tablet formulations having the claimed dissolution profile, coating layers, bioequivalency and constituents.

71. U.S. Patent No. 6,599,529 Skinho et al (Nycomed Danmark A/S)

This patent relates to an oral pharmaceutical modified release multiple-unit composition for administration of a non-steroidal anti-inflammatory drug that provides for both a fast onset and sustained drug release over a relatively long period of time (12 or 24 hours).

The patent fails to teach or suggest modified controlled release bupropion HCl tablet formulations having the claimed dissolution profile, coating layers, bioequivalency and constituents.

Conclusion

Based on the forgoing, expedited examination of this patent application is respectfully requested pursuant to 37 C.F.R. 1.02(d) and MPEP 7.08.02 viii as the requisite criteria are believed to have been satisfied by this Petition, Information Disclosure Statement and the fees which accompany this Petition.. If the Petitions Examiner has any questions regarding this Petition or the application in general, he or she is respectfully requested to contact the undersigned so that prosecution may be expedited.

Additionally, if there is any deficiency or overage in fees, the Patent Office is expressly authorized to charge or credit such deficiency or overage occurred by this Petition, and Information Disclosure Statement to Applicant's Deposit Account No. 05-1323 (Docket # 100338-54030US) should any be necessary.

Respectfully submitted,

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